

8/6/07, Monday, August 6, 2007

CITY OF EAU CLAIRE

PLAN COMMISSION MINUTES

Meeting of August 6, 2007

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Levandowski, Larson, FitzGerald, Kayser, Davis, Waedt, Vande Loo, Hughes, Kaiser

Staff Present: Messrs. Tufte, Reiter, Genskow, Ivory

The meeting was chaired by Mr. Levandowski.

1. **REZONING (Z-1389-07) - Message Center, Sign Code Amendment**

This item was tabled from July 2, 2007, at the request of the Chamber of Commerce in order to allow them to gather feedback from their members. Staff has also contacted members of the Comprehensive Plan Citizens Advisory Committee and continued researching information of this issue. Staff also obtained a study prepared by SRF Consulting Group, which assisted the City on its Comprehensive Plan, entitled "Dynamic Signage: Research Related to Drive Distraction and Ordinance Recommendations". Mr. Ivory provided an overview of the report, which concluded that electronic signs should be considered by municipalities as a public safety issue. Mr. Ivory added that there is no particular model ordinance which cities have followed in creating standards for message center signs and that each community has designed a program which meets the desires of each community.

Bob McCoy, Eau Claire Chamber of Commerce, addressed their survey of members. He stated they received 469 responses, which is more than any previous survey. They also had a committee that reviewed this issue. Their results favored scrolling message centers but not flash signs. The area allowed should be the same as the sign area for the zoning district. The majority also favored messages that changed faster than 30 seconds. He noted that brightness is difficult to measure and control. He requested that the City set standards that it feels are appropriate for the community.

Dirk Snyder, Sign Art Company, commented on the ordinance. He stated that putting long time spans on messages makes the sign useless since its utility is in quick message change. He described the brightness issue, which has national standards based on NEMA. Various colors emit different intensities called "nits". Most signs dim down at night to make the sign readable.

Mike Wells, S&C Bank, spoke to the concern about the cost of these signs and that putting too many restrictions negates their value.

Mark Steil, Action City, addressed the use of message center signs to attract tourists from the freeway system as employed in the Wisconsin Dells area.

Vicki Hoehn, Royal Credit Union, addressed their existing signs and also smaller on-site informational signs to direct customers to drive-up windows.

Linda Adler, Chippewa Valley Visitors Bureau, commented on the need for a friendly sign program that uses the existing size limits. She felt scrolling should be allowed with time spans lowered to 2 seconds/frame. Eau Claire should not restrict the use of technology.

Steve Flaten, S. Farwell Street, commented on his use of the message center sign. He discussed studies and court cases, which established that signs did not cause distraction for motorists. He agreed that flashing signs are distracting but scrolling signs are not an issue. The current draft is too restrictive and too vague in its standards.

Mr. Waedt commented that the City should allow messages to change every 2 seconds, allow scrolling, and prohibit flashing messages. His comments were echoed by Mr. FitzGerald and Mr. Vande Loo. Mr. Hughes stated that aesthetics appear to be an important issue and one consideration would be to allow them up to 50% of the allowable sign size with no flashing messages permitted. Mr. Ivory stated that a re-write of the ordinance could be available in October. The City will need to re-notify the hearings.

Mr. Davis moved to postpone consideration to a future date. Mr. Waedt seconded and the motion carried.

2. **REZONING (Z-1392-07) - R-1 to C-3P, Western Avenue**

Farrell Equipment & Supply Company has submitted a request to rezone property located east of Western Avenue and south of the North Crossing from R-1 to C-3P, and to adopt the General Development Plan for a warehouse facility on the site. The project proposes a 100,000 square foot warehouse facility with parking and loading areas to the south. The Comprehensive Plan>

John Sax, Farrell Equipment, spoke in support. He commented that his company always builds higher quality buildings and he commented on the solid screen fence (wall), which would separate his use from the residences on Western

Avenue. The project will be built in phases.

Calvin Saxton, 2411 Western Avenue, spoke about his concerns as a neighbor. He is concerned about traffic, the fence height, and potential dust. He is not opposed to Farrell Equipment as a neighbor because they always maintain their property well. He would like them to communicate with him on their specific plans.

Wade Jennings, representing his mother who lives at 2427 Western Avenue, stated that he has questions on the height of the building, but also felt Farrell Equipment would be a good neighbor.

Mr. Tufte stated that should this property be rezoned, a conditional use permit and site plan will need to be approved by the Plan Commission.

Mr. Vande Loo moved to recommend the rezoning with the conditions listed in the staff report, adding that the neighbors must be notified of a site plan. Mr. Kayser seconded and the motion carried.

3. **CONDITIONAL USE PERMIT (CZ-0717) - Billboard at 2615 London Road**

Lamar Advertising Company has submitted a request to construct an off-premise poster panel at 2615 London Road. The proposed poster panel would be 30 feet in height and would have two sign faces. Each sign face would be 10'9" x 23' in size or approximately 247 square feet in area. The sign will be at a 20-foot setback. Mr. Ivory presented a review of the application, noting that staff felt the proposed poster panel was not in compliance with the conditional use review criteria, the proposed intent statement of Chapters 16.16 or 16.18, and the Comprehensive Plan.

Bill Mitchell and Rich Reinhart, Lamar Advertising, spoke in support. They felt the site was>

No one appeared in opposition.

Mr. Davis moved to approve the request finding substantial validity in their request and required that lighting be from the top of the sign, landscaping be provided, and that the open dumpsters on site be enclosed. Mr. Kayser seconded.

Mr. Kayser stated that this will be another sign on an already sign congested street and it will only add to the clutter and questioned whether the sign was in compliance with Comprehensive Plan. Mr. Levandowski agreed and called for the vote. The motion failed with commissioners Kayser, Larson, Levandowski, Hughes, Waedt, Vande Loo voting no and Mr. FitzGerald abstained.

4. **CONDITIONAL USE PERMIT (CZ-0719) - Garage, 2009 Crescent Avenue**

Duane Rene has submitted a request to allow a detached garage in excess of accessory use standards at 2009 Crescent Avenue. He has a limited amount of indoor storage and has to store items outside. The request is to enlarge an existing detached garage to 1,328 square feet. The top of the roof pitch will be less than 18 feet.

Duane Rene, applicant, appeared in support, as did Kevin Close, 2015 Crescent Avenue. No one appeared in opposition.

Mr. FitzGerald moved to approve the request with the conditions listed in the staff report. Mr. Vande Loo seconded and the motion carried.

5. **CONDITIONAL USE PERMIT (CZ-0720) - Garage, 3230 Riverview Drive**

Robert Romanshek has submitted a request to allow a detached garage in excess of accessory use standards at 3230 Riverview Drive. Currently he has a residence with a small one-stall 280 square foot detached garage on the property, which will be converted to a shed. The new garage will be 1,008 square feet in area and 26' in height. The site plan indicates the garage is more than 650 feet back from Riverview Drive.

Mr. Romanshek spoke in support. The second floor will be used as studio space for the owner. There is no basement in the home for storage. The property is within the flood plain. Mr. Romanshek showed photos of the site grading to bring it above flood elevation.

No one appeared in opposition.

Mr. Kaiser moved to approve the request with the conditions listed in the staff report. Mr. Davis seconded and the motion carried.

6. **FINAL PLAT (P-03-07) - Fouser Farm, Town of Washington**

TEC Design has submitted a final plat for Fouser Farm located at the northwest corner of CTH "I" and Talmadge Road, west of Hwy. 93, in the Town of Washington. The plat creates 4 lots for residential development. There are two existing homes and the final plat is consistent with the approved preliminary plat. The plat meets the Comprehensive Plan standards for a 10-acre density standard. The plat notes this restriction on its face and precludes further subdividing until public sewer is available to the site.

Mr. Vande Loo moved to recommend approval. Mr. Davis seconded and the motion carried.

7. **Minutes**

The minutes of the meeting of July 16, 2007, were approved.

Fred Waedt
Secretary